



WEB COPY



W.P.No.30381 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.30381 of 2025

T.Deepa

... Petitioner

Vs.

1.The State Of Tamilnadu

Rep By Its Principal Secretary To Government,
School Education, Department,
Secretariat, St George Fort, Chennai

2.The Director Of School Education

O/O The Director Of School Education,
DPI Campus, College Road, Chennai 600 006

3.The Chief Educational Officer

O/O The Chief Educational Office,
Erode,
Erode District

4.The District Educational Officer (Secondary)

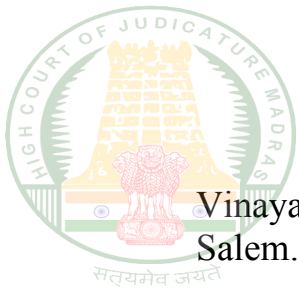
O/O The District Educational Office (Secondary)
Erode,
Erode District

5.The Headmaster

Government Higher Secondary School,
A.Pudhupalayam Anthiyur Main Road,
Sakthi Nagar Post
Erode District

6.The Registrar

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Vinayaga Mission University,
Salem.

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...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 4th and 5th Respondents to sanction and disburse the incentive increment for having studied M.Phil., in the year 2007-2008 from the 6th Respondent University and consequently to disburse the recovered amount from the petitioner and continue to pay the same to the petitioner within the stipulated period fixed by this Honble Court.

For Petitioner : M/s.I.Calvin Jones

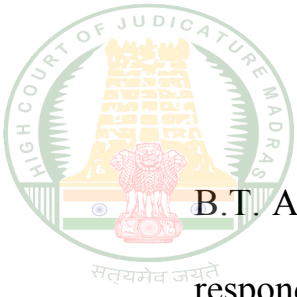
For Respondents : M/s.S.Prabhakaran, Govt. Advocate
for R.1 to R.5.

ORDER

The above Writ Petition is filed for the following reliefs:-

"Directing the 4th and 5th Respondents to sanction and disburse the incentive increment for having studied M.Phil., in the year 2007-2008 from the 6th Respondent University and consequently to disburse the recovered amount from the petitioner and continue to pay the same to the petitioner within the stipulated period fixed by this Honble Court."

2. It is the contention of the petitioner that she was appointed as a

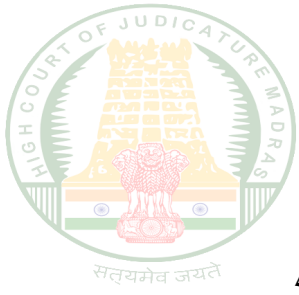


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B.T. Assistant (Science) on 09.09.2005 and is presently serving at the 5th respondent school. She would further contend that she had completed her M.Phil. in Physics from the 6th respondent University during the academic year 2007–2008.

3. The petitioner would submit that vide proceedings dated 03.05.2016, the 5th respondent had sanctioned the incentive increment to the petitioner for acquiring M.Phil. qualification with effect from 18.01.2013 and the petitioner has been receiving the same. Later, based on an audit objection, the 5th respondent had re-fixed her pay without prior notice vide proceedings dated 14.06.2017 and issued an order dated 25.03.2019 directing recovery of the already paid incentive amount. Accordingly, the incentive amount was recovered from the petitioner's salary from 02.04.2019 to 28.02.2022. Aggrieved by the same, the petitioner had submitted a representation dated 14.08.2023 to the 5th respondent requesting a refund of the recovered amount and continuation of the incentive payment. However, to date no action has been taken on the said representation. Hence, the Writ Petition.

4. Heard the counsels on either side.



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5. Considering the facts and circumstances of the case and taking into account the fact that the 5th respondent, who is duty-bound to dispose of the statutory representation, has failed to discharge his obligation as the petitioner's representation dated 14.08.2023 has not been disposed of by the 5th respondent to date, the Writ Petition is allowed. A mandamus is issued to the 5th respondent to pass orders on the petitioner's representation dated 14.08.2023 in accordance with law within a period of 2 months from the date of receipt of a copy of this order. No costs.

13.08.2025

(shr)

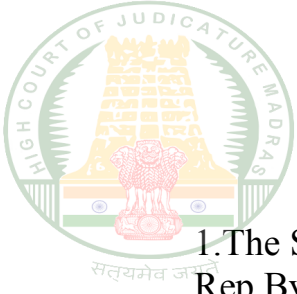
Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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